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DEPARTMENT FOR EAP/MLS AND DRL

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SUBJECT: PRIME MINISTER SECURES OPPOSITION NEWSPAPER
EDITOR'S RELEASE

REF: PHNOM PENH 472

1. (U) Sam Rainsy Party affiliated newspaper editor-in-chief Dam Sith was released June 15 from pre-trial detention (reftel), after Prime Minister Hun Sen submitted a letter to the Phnom Penh Court President the previous day containing a personal guarantee for Dam Sith's release. The letter, which is said to be "confidential" by the court and which Dam Sith's lawyer has not seen, was quoted in the CPP-affiliated Reaksmei Kampuchea newspaper. (Note: The term "guarantee" in the Khmer language is taken to be literal -- a person who guarantees someone else would be responsible for losses incurred by that person. In this case, the letter is understood by a Khmer reader to mean that PM Hun Sen is taking personal responsibility for the temporary release of Dam Sith, a guarantee based on a presumed low risk of Dam Sith fleeing from the charges. End note.) No bail was paid for Dam Sith's release. Reaksmei Kampuchea also reported that PM Hun Sen requested in his letter that the president of the court proceed according to legal procedures. Since an investigating judge had on Friday rejected the request for Dam Sith to be released on bail, and Dam Sith's lawyer had not yet submitted an appeal for a review of the judge's decision, the judge had to publicly reverse his earlier decision. In public remarks on Sunday, PM Hun Sen stated that he does not believe Dam Sith to be a flight risk and said that he is not acting as a result of outside pressure. According to The Cambodia Daily, the investigating judge said the release was a judicial decision. The Ambassador June 10 sent a letter to Hun Sen seeking Dam Sith's release, and Emboffs followed up with key advisors to the PM.

2. (SBU) After his release, Dam Sith publicly thanked PM Hun Sen for requesting his release; however, he expressed regret that he was detained for quoting what someone else said, adding that other newspapers had printed the quote but he was the only person arrested for it. (Note: Other papers carried Minister of Foreign Affairs Hor Namhong's denials. As stated in reftel, Dam Sith was arrested on Sunday, June 8 on criminal disinformation charges related to Sam Rainsy statements that Minister of Foreign Affairs Hor Namhong was the leader of a Khmer Rouge re-education camp. End note.) Sam Rainsy told The Mekong Times that Dam Sith's release was "no thanks to anyone" and that the arrest and release "is a piece of theater that should not have happened." Sam Rainsy told Radio Free Asia that the incident just shows that the power is in the hands of one person and that Cambodia lives under the tyranny of one person. In a message to Pol/Ec Chief, SRP Parliamentarian Son Chhay said that Dam Sith was in jail because of Hun Sen and therefore it is because of Hun Sen that he is released. However, SRP Deputy Chief of Cabinet Keo Phirum speculated to Pol/Ec Chief that perhaps this was a case of Minister of Foreign Affairs Hor Namhong trying, but failing, to show his personal power.

3. (SBU) Dam Sith told POL LE staff that he returned to work as editor-in-chief of opposition-affiliated Moneaksekar

Khmer on Sunday afternoon. He is still in the running for a Phnom Penh seat in the July 27 National Assembly elections. Keo Phirum stated that there is one thing certain -- that Dam Sith is not going to join the CPP. (Note: One rumor is that Dam Sith's arrest was sparked by his having spurned a CPP attempt to convince him to defect to the CPP. End note.) Dam Sith said he asked his lawyer to negotiate with Hor Namhong to drop the case. At the same time, Dam Sith and his lawyer continue to build their defense case against the disinformation and defamation charges filed by Minister Hor Namhong, a case that could come to trial at any time during the next six months, according to judicial procedure.

¶4. (SBU) Comment: The Ambassador June 10 sent a letter to Hun Sen seeking Dam Sith's release, and Emboffs followed up with key advisors to the PM. If Dam Sith's arrest was a CPP or Hun Sen ploy from the start, it is difficult to imagine the rationale given that the CPP holds a comfortable level of public support in the run-up to the July elections, and given the likely outpouring of sympathy for the detained Dam Sith. An arrest order by Hun Sen could be argued to have greater setbacks for the Prime Minister than gains. Nonetheless, both Hun Sen and Sam Rainsy are working the situation to their political benefit as best they can now that Dam Sith has been released. Hun Sen now looks like the benefactor to the helpless Dam Sith. Sam Rainsy is using the strange court proceedings, and perceptions of affronts to press freedom, to lash out at the ruling party. End comment.

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